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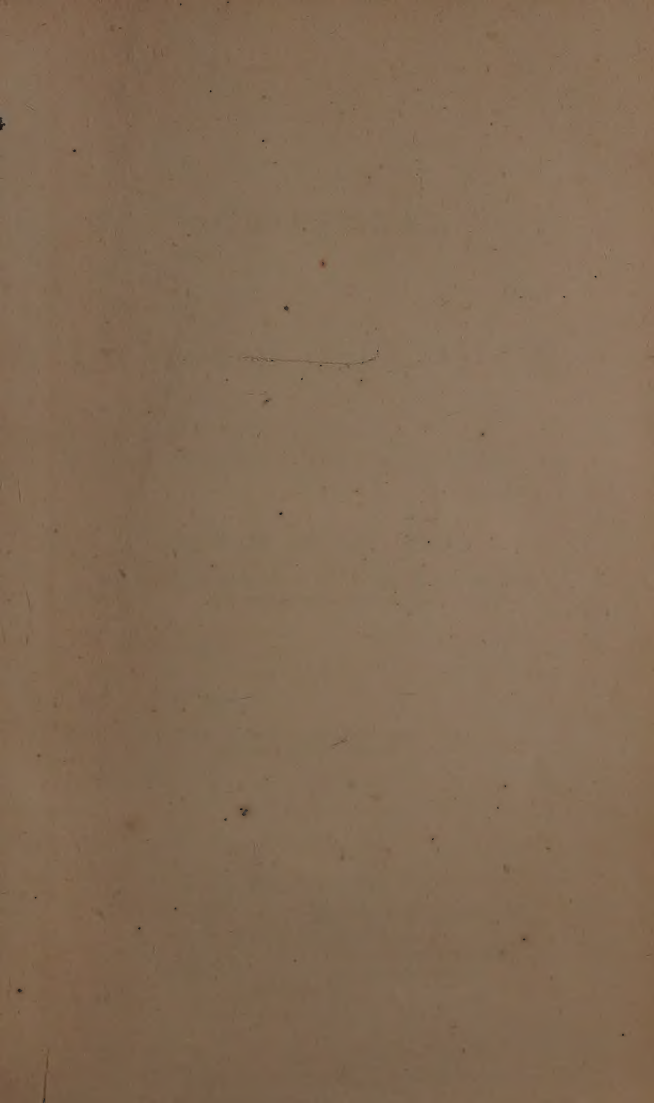
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THE

SCIENTIFIC

LAW OF DIVORCE.

ALVAN HOVEY, D.D.

PROFESSOR OF APOLOGETICS AND DOCTRINE IN THE NEWTON  
THEOLOGICAL SEMINARY.

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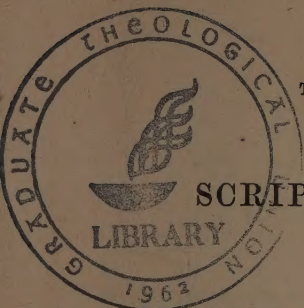
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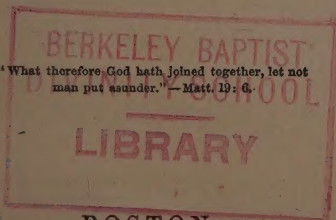
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# LAW OF DIVORCE.

BY

ALVAH HOVEY, D.D.,

PROFESSOR OF CHRISTIAN THEOLOGY IN THE NEWTON  
THEOLOGICAL INSTITUTION.



BOSTON:

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## PREFACE.

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THE following pages were written at the request of an Ecclesiastical Council which met at New England Village, Grafton, Mass., Jan. 30th, 1866. This council was composed of the Rev. J. W. Parker, D. D., of Boston, the Rev. G. B. Ide, D. D., of Springfield, the Rev. William Lamson, D. D., of Brookline, the Rev. S. R. Mason, of Cambridgeport, and the writer. The reason for calling it was this: A member of the Baptist church in that place had married a woman who had left her husband and obtained a bill of divorce from him, because of unkind treatment. Certain members of the church believed that such a divorce was null before God, and that the brother had sinned in marrying a person who was still, according to the teaching of Christ, the wife of another man. The council was, therefore, desired to answer the question: *Do the Scriptures permit us to regard divorce for any cause save one, as effecting an entire dissolution of marriage, so that either of the parties may be united in wedlock to a second person?* This question the council was not prepared to answer,

definitely, without a careful re-examination of the Word of God; and a committee was requested to make a report on this point at an adjourned meeting. This volume embraces the report, with some additional paragraphs, submitted to the council and adopted by it. It is offered to the public by vote of this council, in the hope that it will prove useful to persons who are desirous of ascertaining the will of Christ on a question of vital concern to Christian morality, and in the belief that a serious effort should be made, by setting forth the teaching of Christ, to check that disregard of the Scriptural Law of Divorce which seems to be rapidly increasing in our land.\* Most of the passages examined have been translated for himself by the writer: this was necessary in order to the greatest clearness and brevity, and will be readily pardoned by those who are accustomed to such inquiries.

NEWTON CENTRE, *April 6, 1866.*

\* "As an instance of the spread of divorce in the West," the Boston JOURNAL says, "we are told that there are at present living in Columbus, Wis., two women, and a man who has been married to the women aforesaid. The man has been married four times, has now two wives living, and has no wife. The first wife has been married three times, has two husbands living, and has no husband. The second woman has been married twice, has two husbands living, and has no husband." A few days later, the same paper says: "The docket for the Supreme Court to be held at Worcester, Mass., next week, includes FORTY-TWO DIVORCE CASES!"

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# SCRIPTURAL LAW OF DIVORCE.

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## I.

### RANGE OF THIS INVESTIGATION.

THE supreme authority of the Bible, in all matters of church order and action, is accepted by us as a first principle. But it is the Bible, properly interpreted, which has this authority; it is the Sacred Record as a whole, one part of it often qualifying and limiting another, which ought to bind the conscience and control the life of every Christian. While the rules and principles of church order are all contained in the New Testament, and not in the Old, the moral law is revealed and applied in the Old Testament as well as in the New; hence, in certain cases where discipline relates to questions of morality, we are required to examine

both parts of the Sacred Record. Such is the one before us; and though the words of our Saviour concerning divorce are very plain, yet in considering their scope and application questions arise which have seemed to many difficult, if not unanswerable. It will be necessary for us, therefore, to examine all the words of Christ on this topic, and to compare them with other portions of Scripture. They are recorded in Matt. 5 : 31, 32 ; 19 : 3-12 ; Mark 10 : 2-12 ; Lu. 16 : 18 ; and as the order in which these passages are presented will not affect our interpretation of them, it may be well to begin with the briefest statement and close with the fullest.



## II.

### THE LAW AS DECLARED BY CHRIST.

**I**N Luke 16 : 18, Jesus is said to have used this language : "Every one who puts away his wife and marries another commits adultery, and he who marries one put away from a husband commits adultery." And this declaration is preceded by the sentence, "It is easier that heaven and earth should pass away, than that one tittle of the law should fail," — the only expression in the context which tends to elucidate in any measure the sense of Christ's language respecting divorce. It is then to be observed that the husband is here represented, according to Jewish custom, as putting away his wife, and not the wife also as putting away her husband ; that by marrying another, after putting away his wife, the husband commits adultery ; and that any man who marries a woman thus divorced commits the same crime.

✓ These are the facts directly stated ; and they imply that a husband has no right or power before God to sunder the tie which unites him with his wife ; that she remains his wife even after he has put her away ; and that she, as well as he, commits adultery by marrying again, while both live. Were this the only record of Christ's teaching on the subject of divorce, it would be natural to conclude that he regarded marriage as altogether indissoluble. But it is not the only record.

In Matt. 5 : 31, 32, we read, "And it was said, whosoever puts away his wife, let him give her a (bill of) divorce ; but I say to you, whosoever puts away his wife, save for cause of fornication, makes her commit adultery ; and whosoever marries her who is put away commits adultery." This passage is one of a series in which Christ brings to light the true sense of the moral law, as revealed by the Old Testament, in contrast with the false sense given to that law by the scribes and Pharisees. In explaining it, therefore, we must bear in

mind the general statement on which it depends, viz., "Think not that I have come to destroy the law, or the prophets: I have not come to destroy, but to fulfil. For verily I say unto you, till heaven and earth pass, one jot or one tittle shall not pass from the law, till all be fulfilled." Christ, then, proposes no new law; he simply expounds the old, giving its true sense, which had been overlaid and hidden by false exposition. The moral principles of the Mosaic economy are true for all time, and are reinforced by the divine authority of Jesus. It will, however, be observed that the passage now before us limits the more general statements recorded by Luke, by the words, "save for cause of fornication," that is, of adultery after marriage or of fornication before marriage.<sup>1</sup> To put away a wife guilty of fornication is not pronounced sinful by our Saviour, for the crime which she has committed is recognized as being of such a nature as to justify divorce. Repudiation cannot, in such

<sup>1</sup> See Deut. 22: 21-29.

a case, make the rejected wife an adulteress, for she is one already. But for a husband to put away his wife, by giving her a bill of divorce according to the Jewish law, for any other reason, is to authorize and tempt her to commit adultery by marrying another. And of this sin he is guilty, whether the wife is ever married the second time or not.

But while the passage before us teaches by implication that a Jew might put away his wife without sin, provided she was an adulteress, and marry another woman, it does not teach that a wife, thus divorced for good cause, had a right to marry again. According to the law of Moses she was to be put to death, and also her paramour.<sup>1</sup> And, though this law was not rigidly enforced at the time of Christ, it may be presumed that an adulteress was generally unable to take position again as a lawful wife by marriage to a second husband. It appears therefore that the process of divorce, in order to be valid before God, must be a

<sup>1</sup> Deut. 22 : 22.

criminal process, and that only one crime can justify it. When it rests on any other ground, it is without effect; the parties remain husband and wife as before. This is the obvious meaning of the two passages already considered, and it will be sustained by the others, to which we now advance.

In Matt. 19 : 3 – 12, we have this narrative : “And the Pharisees came unto him, tempting him, and saying :—Is it lawful (for a man<sup>1</sup>) to put away his wife for every cause? And he, answering, said : Have ye not read, that he who made them from the beginning made them male and female ; and said, For this cause shall a man leave father and mother, and shall cleave to his wife, and the two shall be one flesh? So that they are no longer two, but one flesh. What therefore God hath joined together let not man put asunder. They say unto him : Why then did Moses command to give a writ-

<sup>1</sup> Lachmann, Tischendorf, Meyer, and Alford, with the best manuscript authorities, omit “for a man” in this place. Mark, in the parallel expression (10 : 2), uses the word *husband*.

ing of divorcement, and to put her away? He saith unto them, Moses, for your hardness of hearts, suffered you to put away your wives; but from the beginning it was not so. And I say to you: Whosoever puts away his wife, except for fornication, and marries another, commits adultery; and whosoever marries her that is put away commits adultery." In Mark 10: 2-12, is a somewhat different version of the same conference; yet the differences, with one exception, are of slight importance to our present inquiry. The exception refers to the putting away of a husband by his wife; for Mark relates that "in the house his disciples asked him again concerning this, and he saith unto them: Whosoever puts away his wife and marries another, commits adultery against her. And if a wife puts away her husband and marries another, she commits adultery." It will be sufficient for our purpose to examine the passage in Matthew, together with this additional remark preserved in the second Gospel.

The occasion of Christ's remarks on mar-

riage and divorce is worthy of distinct notice. Certain Pharisees proposed to him the question : "Is it lawful for a man to put away his wife for every cause?" and their motive, in proposing it, was evil. They hoped doubtless to entangle him in his speech, by leading him to say what was inconsistent with the law of Moses. Whether they approved the teaching of Hillel, which allowed divorce for every cause, that is, for anything in a wife which was disagreeable to her husband, or the teaching of Shammai, which sanctioned divorce for moral offences only, such as theft, unchastity, immodesty, and the like, is not perfectly clear ; probably, however, they adhered to the laxer and more popular view of Hillel. But, whatever may have been their own opinion, the question which they asked was evidently intended to draw from Christ an approval or a disapproval of the common belief and practice of the Jews ; and it is fair to presume that, for certain reasons, they expected him to condemn the popular creed, and thus expose himself to the

■

popular indignation. Passing now from the occasion of Christ's words, to the import of them, we call attention to the fact, —

1. *That husband and wife are one flesh.*

Christ goes back to the origin of the race, and makes his appeal to the first and second chapters of Genesis. In the former it is said, "So God created man in his own image, in the image of God created he him, male and female created he them"; and in the latter, "this is now bone of my bones and flesh of my flesh: she shall be called Woman, because she was taken out of man. Therefore shall a man leave his father and his mother and cleave unto his wife, and they shall be one flesh." Instead of the words, "*they* shall be one flesh," the Greek translation, which was in use at the time of Christ, had the words "*the two* shall be one flesh"; and our Saviour adopts this version as expressing the mind of God and the sense of the original, adding for himself, by way of emphatic repetition, "So that they are no longer two, but one flesh." It would have been diffi-



cult for him to assert in stronger language the unity of husband and wife. They are members of each other. The union between them is closer than the union between parents and children. They are not their own, but belong to each other, and constitute one conjugal body. "The wife has not power over her own body, but the husband; and in like manner the husband also has not power over his own body, but the wife." "He that loveth his wife loveth himself. For no man ever yet hated his own flesh; but nourisheth and cherisheth it, even as the Lord the church: for we are members of his body, of his flesh, and of his bones." Making all due allowance for the rhetorical character of these expressions, it is still manifest that no earthly union is represented by the sacred writers as so intimate and indissoluble as the one formed by marriage. And it is also manifest that this union, though presupposing mutual love and sympathy, has respect at the same time to the body, the family, and the manifold relations of the present life. The

word flesh, so often used to designate the common personality, is itself an evidence of this; for it points to the outward, visible, temporal side of our being, and prepares us for the doctrine of Christ, that the marriage union is forever terminated by death. "In the resurrection they neither marry nor are given in marriage, but are as the angels of God in heaven." It also furnishes, in advance, a strong argument against admitting a want of love, of congeniality in temper, or of spiritual affinity, to be a valid reason for divorce. Death is the only natural limit of a union by which two persons become one flesh. We notice, —

2. *That marriage is a divine institution.* It was God who, in the beginning, "made them male and female," and united one man with one woman in marriage. This was regarded by our Saviour as the model marriage, indicative of the divine will. He teaches that the union of our first parents in Eden was God's act, and normal for the race to the end of time. But especially does he call attention to the divine

origin of marriage as a reason why man should not annul it. "What therefore God hath joined together, let not man put asunder." It is not enough to say that this language denies to a husband the right to put away his wife, but does not question the right of civil government to grant divorce for any cause which is deemed sufficient; for the Greek word is not ἀνὴρ but ἄνθρωπος, and the language of Jesus denies to man as man, to any and every kind of human authority, a right to put asunder what God has joined together. The contrast is between divine authority and human; Man is not to annul the ordinance of God. For the word Man is here used in its broad, generic sense, in contrast with the word God. This is the only natural explanation of the passage.<sup>1</sup> It is therefore the duty of Christian legislators to aim at bringing the laws of the land on this

<sup>1</sup> Compare Mark 10 : 2, 9, where the word ἀνὴρ, husband, appears in the second verse, and ἄνθρωπος, man, in the ninth. Besides, it may be doubtful whether a Jewish husband could put away his wife without submitting the case to a public official.

subject into harmony with the principles laid down in the Sacred Record.

3. *That God authorizes divorce in case of adultery.* This is evident from the language of our Saviour, as recorded by Matthew. On two occasions out of the three, in which he condemned the Jewish practice as sinful, he excepts the putting away of a wife because of fornication. To explain this solitary exception, it has been said that "the nuptial tie is already sundered by the adulterous infidelity of one of the parties," that it is a "crime which, by a single act, sunders the conjugal tie," that "adultery is less a *ground* of separation than separation itself." This appears to be the common doctrine of writers on divorce. And the word of God may be plausibly quoted in support of this view. For the apostle declares that "he who is joined to a harlot is one body" with her; and it is natural to conclude that the formation of this new union destroys at once the old. But there are serious objections to such a theory. For, if conjugal infidelity actually

sunders the nuptial tie, the innocent party has no right to pardon the other, and permit the union to continue. Re-marriage is indispensable, if the parties do not separate. Besides, the language of Christ, "for *cause* of fornication," makes this crime a sufficient reason for divorce, but not an actual dissolution of the marriage union. And, lastly, there are many passages of the Old Testament in which God addresses his people as an adulterous wife, which, however, he still recognizes as his own, and strives to recover from idolatry. Hence, it is more correct to say that this crime is one which inflicts so deep a wound on the innocent party, and violates so utterly and completely the substance of conjugal duty, that it is recognized by God as a valid ground for divorce, whenever this is sought by the unoffending husband or wife. Adultery is the crime for which divorce is the penalty; and it is always important to distinguish between crime and penalty.

But are there not other crimes which trample

on the conjugal relation and the nature of marriage as ruthlessly as fornication? And, if so, may they not also be safely pronounced valid reasons for divorce? May it not be presumed that Christ mentioned fornication as a specimen of the sins which justify the proper authorities in sundering the nuptial tie? In reply to these questions, it may be said that the crimes referred to in Leviticus 20 : 13, 15, 16,<sup>1</sup> are in a certain sense allied to the one mentioned by Christ, and were threatened by the Mosaic law with the same punishment, death. Moreover, as rare and monstrous offences, it was perhaps less natural or necessary to mention them. Hence, as fornication includes the crimes of adultery and incest,<sup>2</sup> it may possibly be understood to comprehend, in the brief statement of Christ, the more abominable offences to which reference has been made. But, beyond this, we cannot safely go. The language of Jesus makes a definite exception, and just principles of interpretation forbid us to treat that definite

<sup>1</sup> Sodomy and bestiality.

<sup>2</sup> 1 Cor. 5 : 1.

crime as a mere sample of those which justify divorce. And especially does the manifest aim of his language forbid us to associate inferior crimes with the one mentioned by him, pronouncing them also to be a warrant for that which he declares to be warranted by the higher crime only.

4. *That God has permitted divorce in other cases.* When Christ had reminded the Pharisees of the original institution and true nature of marriage, representing it as the closest possible union of one man and one woman for life, they replied: "Why then did Moses command to give her a writing of divorcement and put her away?" And Christ responded: "Moses, for your hardness of heart, suffered you to put away your wives; but from the beginning it was not so." These words of our Saviour cast a flood of light upon the Mosaic economy and upon the divine method of educating and restoring man to virtue. The passage referred to by the Pharisees, and explained by Christ, is comprised in the first four verses of the twenty-

fourth chapter of Deuteronomy, and may be translated as follows : "If a man take a woman and marry her, and it come to pass that she does not find favor in his eyes because he finds in her a foul blemish, and he write for her a bill of divorce and put it in her hand and send her away from his house, and she depart from his house and go and become another man's, and the latter husband hate her and write for her a bill of divorce and put it in her hand and send her away from his house, or if the latter husband who took her to himself to wife die,—her former husband who sent her away shall not be able to take her again to be his wife, after she has been defiled ; for it is an abomination before Jehovah."

This passage evidently presupposes the practice of divorce among the Jews for other causes than adultery ; but it does not say a word in commendation of that practice ; it only declares that if a husband puts away his wife, and she is united in marriage to another man, he can never take her again to himself.



For him, at least, she has been defiled. Practically, therefore, a husband must look upon his act in giving a bill of divorce as irrevocable. Hence, this provision of the law was a check on the caprice of man, compelling him to weigh the consequences of his proposed act, and teaching him to respect the marriage covenant. "Moses *suffered* you to put away your wives ;" he did not command it, did not speak of it as right or wise, did not encourage or facilitate it in the least ; he merely presupposed the existence of this practice, and, by regulating, suffered it. And the reason for not forbidding it was the wickedness of the people. They were too gross and stubborn to bear the restraint. They would have trampled on the prohibition, and, by so doing, lost all reverence for the law ; for actual disobedience to any rightful authority, at one point, weakens the force of that authority at every point. Hence, it is often better for a government not to forbid an evil practice among the people, than it is to prohibit the practice, and yet allow its law to be broken

with impunity. Legislation is apt to be useless when it is far in advance of the public conscience.

And it is to be remembered that the language which we have cited from the Mosaic law was part of a civil code, to be enforced by the power of the State. As such, it was adapted to the moral condition of the people. If it forbore to assert the original law of marriage and divorce, it was because the nation could not bear it. And the same may be true of many nations at the present time; the public conscience may be so dull and perverted, and the public depravity so great, as to require the permission of divorce for more causes than one. But this deviation from the divine law, as expounded by Christ, can have but one excuse, the wickedness of the people; and the force of this excuse, however legitimate in the sphere of civil government, should not be suffered to lower the standard of morality in the churches of Christ. Nothing can be more dangerous to the interests of true religion, than the habit of

regarding everything as right which is tolerated by the laws of the land. The rule of duty, in respect to marriage and divorce, must be found by all Christians in the word of God, and especially in the New Testament. This will not be denied by any intelligent follower of Jesus.

Such, then, is the conclusion which we have reached by a careful review of Christ's language concerning divorce. There is but one valid ground for it in the sight of God, namely, fornication. Other crimes may, perhaps, justify a separation from bed and board, but not a full divorce, authorizing another marriage while both parties are alive.

Before proceeding to examine the apostle's language on the same topic, it will be proper to notice, briefly, a few objections to the conclusion just stated.

I. *Christ's language is ideal, not practical.* He is setting forth perfection of conduct under an economy of law, not rules of life for persons living under an economy of grace. When he

says, "Swear not at all," "Resist not evil," "Whosoever looketh on a woman to lust after her, hath committed adultery with her already in his heart," he is dealing with ideal, not practical morality. He did not mean to say that swearing and self-defence are always sinful, nor that a lustful look is practical adultery, and a sufficient reason for actual divorce. Neither did he mean to say that, in real life, fornication is the only valid ground for divorce.—Whatever plausibility this objection may seem to have, when applied to the words of our Saviour in his Sermon on the Mount, it is utterly and obviously irrelevant to the replies which Christ made to the Pharisees.<sup>1</sup> No one can read these replies without being convinced that he was speaking of actual divorce, and of the only sufficient reason therefor. And we believe it can be shown, to the satisfaction of any candid mind, that he was likewise speaking of actual divorce in the passage quoted from his Sermon on the Mount. But it is needless for us to

<sup>1</sup> Matt. 19.

delay the reader with an argument on this point.

II. *Christ's language refers to the conduct of Jews in putting away their wives without judicial process.* No man has a right of his own mere will to put away his wife, except for the sin of fornication. But this offence is so aggravated, that he may proceed to punish it by himself. Hence, the words of Jesus do not show what or how many valid grounds of divorce there may be, when the process is duly regulated by law and the action of impartial judges. It merely limits the independent and irresponsible action of husbands to a single case. — To this objection we have already replied, by calling attention to the fact that Christ makes use of the word *ἀνθρώπος* instead of *ἀνὴρ* in the sentence, "What therefore God hath joined together, let not man put asunder." Had he meant to forbid private divorce by the husband, he would surely have selected the word *ἀνὴρ*. It is also worthy of notice that, according to Mark, Christ declared to his dis-

ciples in the house, "If a woman put away her husband and be married to another, she commits adultery ;" but among the Jews it was not customary for wives, by their own act, to put away their husbands.<sup>1</sup> It is further to be observed that Christ does not found his doctrine on Jewish law or custom, but on the original institution of marriage by Jehovah. In the beginning God had made husband and wife one flesh, establishing thereby the union of one man with one woman for life, as the divine law of marriage for the race. And no one surely, after this sublime introduction, would expect our Saviour to speak, not of the universal grounds of divorce by whomsoever effected in obedience to the will of God, but of a special reason for a particular and arbitrary species of divorce. The tone of his argument forbids any such narrow interpretation. Besides, we find it hard to believe that Christ, who consciously spoke for all generations, would put into the hands of a husband or wife authority

<sup>1</sup> Josephus, *Antiq.* xv. 7, 10.

to inflict so grave a punishment, without submitting the case to judicial investigation.

III. *Christ's language refers to believers only.* The law of divorce which he announced is applicable when both parties are renewed by the grace of God, but not when one or both must be pronounced irreligious. This objection was probably suggested by the words of Paul in his first epistle to the Corinthians ; it surely was not suggested by the language of Christ himself. We may, therefore, postpone the consideration of it for the present.

### III.

#### THE LAW AS APPLIED BY PAUL.

**A**DVANCING now to the language of Paul, in the seventh chapter of his first epistle to the Corinthians, it is important to state, at the outset, that we accept his doctrine as inspired truth. He wrote as an apostle under the influence of the Spirit of God, and his words are, therefore, no less sacred and authoritative than those of Christ. Were we at liberty to take any other view, our task would be ended, for we could dismiss the teaching of Paul as without divine authority. But we are not. Hence it is necessary for us to ascertain, if possible, whether his teaching does or does not add a second cause of divorce to the one specified by our Saviour. Many believe that it does, and that wilful desertion is this second cause. The question merits thorough investi-



gation ; for the laws of nearly all our States, and the proceedings of many a church, recognize wilful desertion for a series of years as a sufficient ground for divorce. What, then, is the teaching of Paul? We give the whole passage, inserting by the way a few remarks.

The 10th and 11th verses read thus : "And unto the married I command, not I, but the Lord, that a wife depart not from a husband : but even if she depart, let her remain unmarried, or be reconciled to her husband : and let not a husband put away a wife." This repeats substantially the teaching of Christ, but the reference is here to the conduct of husband and wife when both are Christians. In such a case the Saviour's authority would be acknowledged by both parties, and nothing further need be said. The apostle proceeds as follows : "But to the rest say I, not the Lord : If any brother has an unbelieving wife, and she also be pleased to dwell with him, let him not put her away ; and a wife who has an unbelieving husband, and he also be pleased to dwell with her, let

her not put him away." Thus far the apostle's language, though treating of a special case not mentioned by Christ, is in perfect and obvious agreement with his teaching. Christianity declares the marriage relation sacred, even when one of the parties is an unbeliever, and forbids the believing party to disturb that relation. "For the unbelieving husband is hallowed in the wife, and the unbelieving wife is hallowed in the husband; else were your children unclean, but now are they holy." The relation between husband and wife is as pure and indissoluble as that between parents and children. "But if the unbelieving depart, let him depart; the brother or the sister is not enslaved in such cases; but God has called us in peace. For what knowest thou, O wife, whether thou shalt save thy husband? or what knowest thou, O husband, whether thou shalt save thy wife?" These two verses have been thought to authorize divorce in case of wilful desertion by an unbelieving husband or wife, — that is, by one who cannot be reached or controlled by the law

of Christ. The crime in such a case, it is said, rests wholly on the deserting party, and since the character of that party is such as to forbid any reasonable hope of a return to duty, nothing remains but to recognize the conjugal tie as completely sundered. The first and chief question to be answered is, therefore, a question of interpretation: Does the language of Paul declare the deserted party to be relieved of conjugal obligation, and free to contract a second marriage? or does it refer to separation from "bed and board" merely? The answer to this question depends altogether on the thoughts which the apostle meant to express by the words *χωρίζεσθω*, "let him depart," and *οὐ δεδούλωται*, "is not enslaved." In favor of supposing that he intended to pronounce the innocent party free from the conjugal bond, and at liberty to contract another marriage, it has been urged,—

I. *That, in the twelfth verse, he expressly denies the application of Christ's teaching to such marriages, by the words: "To the rest*

say I, not the Lord." This consideration is alleged by Meyer, and also by Alford, on 1 Cor. 7: 15. The latter remarks: "The apostle expressly asserts that *our Lord's words do not apply* to such marriages as are here contemplated. They were spoken to those *within the covenant*, and, as such, apply immediately to the wedlock of *Christians*, but not to *mixed marriages*." If this be true, if Christ's words have no reference to mixed marriages, but apply to those only where both parties believe in God and submit to his authority, then the law of divorce from mixed marriages must differ from that given by Christ, and, in all probability, recognize more than one valid reason for it. And by specifying a second reason, namely, the wilful desertion of the unbelieving party, the apostle shows, it is said, how the teaching of Christ is inapplicable to marriages where one of the parties is a Christian and the other is not; thus verifying his words, "To the rest say I, not the Lord." But this argument is of no value. The expres-

sion of Paul, "To the rest say I, not the Lord," need not be supposed to deny the applicability of Christ's teaching to those addressed by the apostle. It is sufficiently explained by the fact that Christ laid down a general rule, but did not apply it to particular cases, like those which troubled the Corinthian believers. He asserted the criminality of the divorcing party, but did not lay down any rule of conduct for the party divorced. It is indeed true that he taught by implication the fact that an improper divorce is of no avail, before God, to qualify either of the parties for another marriage; but he said nothing in respect to the course which a person repudiated and deserted ought to take. And it is one thing, as we all know, to lay down general principles, and quite another to apply them in detail to particular cases. At their stage of Christian culture, the believers in Corinth needed more definite instruction than had been given by the Saviour, and this instruction the apostle furnishes in the passage before us. They had serious doubts about the lawful-

ness of living in close fellowship with the heathen at all. Such life appeared to some of them to be contaminating and sinful. Perhaps they doubted whether heathen marriages were valid at all. If a modern missionary can ask the question, "Is your mind made up as to whether heathen marriages are marriages in Christ's sense of the word?" the Corinthian Christians may have been in doubt on the same point. It was therefore important to have their duty, in respect to conjugal relations between believers and unbelievers, distinctly explained. This had not been done by Christ, and must therefore be done by Paul. It cannot then be safely inferred from his words, in the twelfth verse, that he has stated any second reason for divorce in this passage. His teaching may be, and probably is, a development and application of the Saviour's doctrine, rather than a new doctrine, which proves that of Christ to be very limited in its scope. It has been urged, —

II. *That the expression, "let him depart,"*

χωριζεσθω, was a "technical form of Roman law, implying absolute divorce."<sup>1</sup> The evidence for this statement is not given; though the Greek word is said to represent the Latin *abeo* and *discedo*. But was there any legal form, in which either of these words was used in effecting divorce, at the time when Paul wrote to the Corinthians? We have been unable to discover any traces of such a form. In Smith's "Dictionary of Greek and Roman Antiquities," we find this statement: "The phrases to express a divorce are, *nuntium remittere, divortium facere*; and the form of words might be as follows: *Tuas res tibi habeto, tuas res tibi agito*."<sup>2</sup> Bekker ("Gallus," p. 175) gives the former of these as prescribed by the Twelve Tables, and remarks that "this order was sometimes accompanied by another, to quit the house (*foras exi*), which the woman alone could give, if she were mistress of the house." Nor do we find the

<sup>1</sup> *Contemporary Review*, January, 1866. "Indian Questions."

<sup>2</sup> Compare *Corpus Juris Civilis*, Ed. Kriegel, *Dig.* XXIV. Tit. II. Vol. I, p. 392.

slightest evidence, from any source, that the Greek term used by the apostle was a legal expression equivalent to *foras exi*, "leave the house." But if it was ever employed as a legal term by a husband in repudiating his wife, or by a wife in dismissing her husband, it cannot be used here in that technical sense. For it occurs twice in the 10th and 11th verses: "That a wife *depart* not from a husband; but if she *depart*, let her remain unmarried or be reconciled to her husband"; where, evidently, the wife is not supposed to leave at the legal, divorcing word of her husband, but of her own accord, and on account of her displeasure with him. Moreover, the separation is not looked upon as an absolute divorce; for it may cease at the wife's pleasure; "if reconciled," she resumes, apparently as a matter of course, her former place and duties. There is no hint of re-marriage. Hence, the apostle uses the word "depart" in its customary sense. He is treating wholly of God's will, of Christian principles of morality, irrespective of human laws. And



the same is true of the fifteenth verse. The wife is not authorized to warn away by any form of Roman law her unbelieving husband, nor does the apostle do this himself. The departing consort was really the guilty person, and the expression "let him depart" has its usual meaning, except so far as the very nature of the act referred to affects that meaning. And it is well known that desertion was often practised at that time by husband or wife without any legal formality. It has been said, —

III. "*That the only divorce known in the world, when the words of Paul were written, was an absolute divorce.*"<sup>1</sup> This argument would have weight, if it could be shown that Paul here refers to divorce in the legal sense. But, as we have just proved, there is no evidence of this. He is laying down the higher law, a rule of action right before God, without any reference to the civil code. His language is therefore to be interpreted as the language of

<sup>1</sup> *Contemporary Review*, January, 1866. "Indian Questions."

common life, — words being used not in a technical sense, but with their natural force. It has been urged, —

IV. *That "not enslaved" can have, in this place, no other intelligible sense than the one claimed.* It must mean that the deserted party is free from the nuptial contract, and at liberty to marry again; for this meaning is required by the connection. — Here, then, we reach the turning-point of our investigation, and must endeavor to bring out more exactly the apostle's aim in this paragraph.

The Corinthian believers appear to have been, at this time, morbidly excited in respect to their domestic relations. Some of them, who were possibly of Jewish origin, shrank from the intimacy of conjugal life with the heathen, lest their own souls should be defiled, and perhaps destroyed. Their scruples were made known to the apostle by letter (verse 1), and he declares them to be quite unnecessary. He pronounces the marriage relation between believers and unbelievers to be sacred, and charges

the Christians not to disturb it. But there were others who seem to have been pressed to the earth by a sense of responsibility for the salvation of their companions, feeling it to be their duty to persist in detaining them as long as possible from separation, in the hope of leading them to Christ. This course was likely to prove vexatious, irritating, and destructive of peace. Paul therefore, in reply to their request for instruction, says to them, "If the unbelieving is seeking to depart, let him depart." "Do not oppose separation, if it is desired and conducive to peace." "No one is bound to force the law of Christianity on a reluctant heathen." The believer is not a bondslave to the marriage state, required to sacrifice self-respect and domestic quiet for the purpose of leading an unbelieving husband or wife to the truth. "The chance of converting a heathen partner is too remote to justify the breach of harmony which such conduct would occasion."<sup>1</sup> Let the separation take place.

<sup>1</sup> Stanley's *Commentary on the Epistles to the Corinthians*.

If this is a correct view of the parties who had applied to Paul for direction, the expression, "is enslaved," would be descriptive of a Christian, who, from a morbid sense of duty, is striving, in the face of contempt and perhaps abuse, to retain an unbelieving and unwilling consort, in the hope of saving him from perdition. To this pitiable and well-nigh desperate task the Christian is not, according to the apostle, consigned. He may let the heathen companion quietly depart if he will. To assert this, however, is not to assert that he is relieved, by the departure of his unbelieving companion, from conjugal obligation, and qualified to contract a second marriage. The former we understand the apostle to assert, but not the latter; for the following reasons:—

I. *It leaves his teaching in evident harmony with that of Christ.* Our Saviour appears to have regarded a woman who was divorced for any cause, save one, as guilty of adultery if she married again, and to have deemed her husband as particularly culpable for putting her away,

because he thereby authorized and led her to commit adultery by a second marriage. It was not the separation, but the re-marriage, which was emphasized by him as criminal in itself. Hence, if the apostle merely directs the Christian consort to acquiesce in a separation from bed and board, his words are perfectly compatible with those of Christ; but if he directs the believer to acquiesce in a complete separation which is regarded as authorizing the deserted party to marry again, even while the heathen deserter remains single and chaste, his words do not agree with the *prima facie* meaning of the Lord's. This is a strong argument, in our opinion, for the former view; for surely we may assume, without hesitation, the probability of obvious agreement between the King and his Ambassador on a matter of practical morality. The fact that a given interpretation reveals harmony instead of discord, in the Sacred Record, is certainly in its favor. We do not, however, assert any positive disagreement between the teaching of Christ and that of his

apostle, even if the latter makes wilful desertion a proper cause for divorce ; but we cannot deny an *apparent* discrepancy. Seeming contradiction, instead of obvious harmony, emerges into view ; and, if other things are equal, this is decisive against the interpretation which occasions it.

II. *It removes a seeming incongruity between his language here and elsewhere.* For, in the thirty-ninth verse of this same chapter, the apostle says, that, "A wife is bound as long as her husband lives ; but if the husband die, she is free to be married to whom she will, only in the Lord." And in his epistle to the Romans, 7 : 2, 3, he writes thus : "For the married woman is bound by law to her living husband ; but if the husband die, she is free from the law of the husband. So then if, while the husband lives, she become another man's, she shall be called an adulteress ; but if the husband die, she is free from the law, so that she is not an adulteress, though she become another man's." Now in both these passages, agreeably

to the doctrine of Christ, death is spoken of as severing the conjugal bond, and nothing else is mentioned as doing this. But if wilful desertion by a heathen partner severed it, there must have been numerous instances of the sort, and some notice of them might naturally be expected in more passages than one. But this is not all. In these passages Paul uses the word *δέδεσται*, "is bound," to denote the marriage tie, and the expression "is free" to denote the condition of one when that tie has been sundered by death. Nay, he is more explicit still: for he says, in one case, that "she is bound by law" to her husband, and, as the opposite, "she is free from the law of her husband," and can marry without becoming an adulteress; while, in the other case, he says that "she is bound" while her husband lives; and, as the opposite, "she is free to be married" again. Now in these passages, when he speaks of a right to re-marry, his language is very full and definite. The word used to express marriage obligation is the appropriate one; and the

opposite of being bound by law is being free. But in our passage his language is much less exact. Instead of saying "is free," or "is not bound," he says "is not enslaved," and he omits all notice of the right to contract a second marriage. But the fact that Paul so distinctly affirms that by the death of her husband, and not before, a wife is freed from the nuptial tie which binds her to him, is a strong reason for believing that, had he intended to lay down an exception to this rule in the passage before us, he would have stated the exception as formally and clearly as he did the rule. He seems therefore to be inconsistent with himself as a writer, if he intends, in this passage, to pronounce the deserted partner at liberty to marry again. Moreover, the enslavement alluded to in the fifteenth verse is conceived of by the apostle as the opposite of a state of peace, and not as the opposite of freedom from the nuptial tie; and this is quite unlike his representations elsewhere. "Let him go; the Christian party is not enslaved; but God has called us in



peace." This means, evidently, Let the heathen companion depart; not indeed that you may be free to marry again, but that you may live peaceably, and not yourselves be the occasion of bickering and bitterness in the family circle. Thus interpreted, it agrees with the next clause, and ceases to be incompatible with the apostle's thought and style elsewhere.

III. *It accords with the immediate context.* Paul has just said, appealing to the words of Christ, that marriage between Christians is sacred, and has forbidden either party to dissolve it; adding, that a *dissolution of it does not authorize another marriage*. He has next said that marriage between a believer and an unbeliever, a Christian and a pagan, is sacred, and has forbidden the believer to dissolve it just as peremptorily as in the former case, thus putting the two marriages on a level in this respect. He now says that if the unbeliever, who of course cannot be made to feel the authority of Christ, is striving to depart, let him do so. By no appeal to pity, to duty, to

honor ; by no lawful compliance with the deserting party's wishes, will he be detained in peace. The very effort to prevent his going will put the Christian companion in a slavish position, and, at the same time, prove fatal to domestic quiet. Chrysostom supposes that the apostle here refers to cases where the unbelieving partner made a participation in idol-worship the condition on which a continuance of the conjugal union depended. Wettstein adopts the same view. "If he desert his wife because she gives her name to Christ, she is not so bound to her husband that, for his sake, she ought to desert Christ." The converted wives of men who still adhered to paganism were environed with difficulties and beset with temptations. They were taught to look upon idolatry with dread and horror ; yet the kitchen hearth was consecrated to false divinities, and every wife was expected to offer incense and libations to the domestic gods. How could a Christian woman perform such unholy rites? Or how could she refuse to observe them without pro-

voking the wrath of her husband? When a pagan family sat down to the daily meal, libations were poured out in honor of wood or stone, and on joyous occasions the pantomimic dance and profane song were required. But what Christian could participate in such festal scenes? or what pagan husband would understand the scruples of his wife, and indulge them without a frown? The reign of Venus was coextensive with that of Jove; vice rode triumphant by the side of superstition. It is not therefore improbable that the price of conjugal life was idolatry. Converted women were sometimes compelled by force to observe pagan rites. Bona, a Christian of Carthage, was dragged away by her husband to a heathen altar, and, while others held her hands, was made to offer sacrifice. And it was perhaps with reference to such cases—where the believing party must surrender moral freedom, and, in effect, take the place of a slave without personal rights or character in order to retain an unbelieving companion, that Paul said, Let

the heathen consort depart, and the believer live in peace. By saying this, he consented to nothing incompatible with the sacredness of marriage between a Christian and a heathen; nothing inconsistent with the view that such a union is just as binding, in all respects, as one between believers. And this is what he has affirmed, substantially, in the foregoing verses. But if he says that the Christian party is warranted by the mere desertion of a heathen companion to contract a new marriage, he makes a rule quite inconsistent, apparently, with what he had just said, as well as with the plain language of his Lord.

IV. *It accords with the general tone of the apostle's instructions and counsel in this part of his letter.* One can hardly read the chapter before us without feeling that Paul, though honoring the marriage contract and state, would look upon separation from a heathen companion as being at that time, on many accounts, desirable, and would esteem it no great hardship or misfortune if this separation

should withdraw a Christian, for a considerable period, from conjugal life. . He speaks of temporary separation, for the purpose of special fasting and prayer, as admissible when both parties are Christians. He speaks of the unmarried as preferable to the married state for such believers as were truly continent in desire and in action, devoting their energies wholly to the service of Christ. And he gives us an impression that there were particular reasons for encouraging a single life at that time, and, perhaps, in that city. Besides, he expressly enjoins upon a believing wife, guilty of deserting her believing husband, the duty of remaining unmarried or of being reconciled to her husband ; and the former of these alternatives supposes it no intolerable evil for the parties, the innocent as well as the guilty one, to remain separate and single indefinitely. For the apostle's direction is unqualified as to time, and, though addressed to the offending party, is conceded by all interpreters to bind the other party also. Indeed, any other view of

the passage would make Paul's account of our Saviour's teaching disagree with the gospel narratives. A single life, or reconciliation, was the alternative for both. Even the deserted partner was still held by the nuptial tie, and could not, though the civil law permitted it, contract a new marriage. Nor does it appear that he could in all cases insist upon the prompt return of his wife to her post, on penalty of exclusion from the church. This appears to be left to the wisdom of the church, looking at the particular circumstances which led to the desertion. In such an age and place as the apostle had before him, the sin may not have been in every instance so great as to destroy confidence in the piety of the wife who left her husband. There would naturally be fault on both sides; but if it were all on that of the consort who left, they were bound equally by the word of Christ to remain single, or be reconciled.

But it may be said that Paul is answering questions, and that in the particular instances

which he had in view the deserted parties were patient, uncomplaining, and not desirous of contracting a new marriage—a circumstance which accounts for his silence in regard to the course to be pursued by them and by the church. All this may have been explained to him by those who wished to know their duty, and therefore he directs his words to the deserting partner only. Well, if this may be supposed, may it not also be supposed with as much reason that others, who were morbidly sensitive to their conjugal duty and responsibility for the salvation of their heathen partners, even while these were threatening to leave them unless they would forsake Christ, may have asked the apostle whether it would be right for them to acquiesce in the separation and remain single, as they were willing to do? and that he replied to this question, “If the unbelieving depart, let him depart. The brother or the sister is not enslaved in such cases; but God has called us in peace. For what knowest thou, O husband, whether thou shalt

save thy wife? or what knowest thou, O wife, whether thou shalt save thy husband?" According to this hypothesis he did not repeat his injunction to the Christian party to remain unmarried, because there was no occasion to do it. Nor was there, probably, any hardship involved in refraining from another marriage while the deserting heathen remained single and chaste; for this would rarely, if ever, be a long period.

About one year ago, the Baptist missionaries in Rangoon, Burmah, were requested to sign a petition asking for a divorce act in favor of native Christians forsaken by their heathen companions on account of religion. One of the missionaries, in a letter written at the time, remarks as follows: "However it may be on the other coast of the Bay, here in Burmah there has been but one instance in Dr. Stevens's or Mrs. Bennett's<sup>1</sup> knowledge where the deserting party did not soon marry again,

<sup>1</sup> Dr. Stevens and Mrs. Bennett have been in the field between thirty and forty years.



thus of course liberating the believer by Christ's law. I believe no other missionary here knows of a single case of the sort." But why speak of hardship? We cannot conceive of the apostle calling a state in which the Christian was merely restrained from contracting a new marriage, one of slavery. It would rather be called, in comparison with marital life with a dissatisfied and exacting heathen, a state of peace and freedom.

We conclude, therefore, that the language of Paul in this passage justifies a husband or wife in seeking a bill of divorce from bed and board on account of wilful desertion by the other party, but not a bill of divorce from the bond of matrimony, qualifying the innocent person for renewed wedlock. The language of our Saviour is so clear and explicit in declaring adultery to be the only crime which makes a divorce from the bond of matrimony valid before God, and the language of Paul is so easily accounted for by supposing him to speak of permanent separation; merely, that we are

unable to reach any other conclusion. And this conclusion ought to regulate our conduct ; for in such a case we are bound to follow the clearest light and strongest evidence which is afforded by the sacred oracles. The duty of Christians to obey the will of their Lord is imperative ; and we are satisfied that his will is clearly expressed, that the language of his apostle agrees with the literal sense of his own, and that Christian churches are required by their allegiance to Him, to regard and treat all divorces granted for other causes than adultery, as null and void, the parties in such cases being still, before God, husband and wife, so that re-marriage is sinful.

## IV.

### THE LAW PRESUPPOSED BY PAUL.

**I**T may be proper, before closing our discussion, to refer briefly to those passages in the apostle's letters to Timothy and Titus, in which he says that a bishop or a deacon must be "husband of one wife,"<sup>1</sup> and a widow to be enrolled "wife of one husband." This language implies that there were those in the churches who were not, in the sense meant by Paul, each a husband of one wife, or a wife of one husband. And, for this reason, they were deemed less worthy of confidence and official trust than others. What then did the apostle mean by the phrase, husband of one wife, or wife of one husband? He meant, as is now admitted by all, husband of no more than one wife, and wife of no more than one husband.

<sup>1</sup> 1 Tim. 3: 2, 12; Tit. 1: 6.

Now, *in the first place*, a man might be regarded by the apostle as the husband of more than one wife, if he was living with two or more women as wives at the time. But we have no evidence that polygamy existed in the early church. Besides, a widow was to be "wife of one husband," but this was not surely at the time she was enrolled as a widow. It was needless to say that a widow, wife of more than one husband, must not be enrolled; for a widow has no husband. The language of the apostle is, in both cases, retrospective.

*In the second place*, a man might be considered husband of more than one wife, who had married a second wife on the death of his first, and so on. The leading modern interpreters, *e. g.* Alford, Ellicott, DeWette, Wiesinger, Huther (but not Hackett), adopt this explanation, and suppose that Paul deemed a second marriage, though lawful in itself, a disqualification for church office at that time. And there is evidence that many of the early Christians considered a second marriage objection-

able. The writer of the "Shepherd of Hermas," about A. D. 150, says of one who has lost his first companion by death, that, if he marries, he does not sin, but if he remains single, he acquires to himself great honor with the Lord" (II. 4). Theophilus of Antioch, about A. D. 175, declares that "one marriage is practised by Christians" (III. 15); and Athenagoras, about the same time, calls "the second marriage a decorous adultery" (33). Clement of Alexandria says that one who contracts a second marriage "does not sin according to the covenant, for he is not prevented by the law, but neither does he fulfil the increased perfection of citizenship which agrees with the gospel."<sup>1</sup> Epiphanius says that a "man married the second time cannot lawfully enter the priesthood in the church." And Alford remarks, "the view, then, which must, I think, be adopted, is, that to candidates for the Episcopate, St. Paul forbids a second marriage. He requires of them pre-eminent chastity, and abstinence

<sup>1</sup> *Str.* III. 81.

from a license which is allowed to other Christians." Were this the meaning of Paul's language, it would have no bearing on our present inquiry. But the apostle himself, as well as Christ, distinctly admits the lawfulness of second marriage after the death of either party. The union is dissolved by death; and it is almost impossible to believe that he would pronounce men and women disqualified for office in the churches of Christ for doing what must have been often right and commendable. We are unable, therefore, to accept this explanation of his words.

*In the third place*, a man might be regarded as husband of more than one wife, who had married again, after putting away his first wife for an insufficient cause. And this was a common practice at that time. Ample evidence is afforded by pagan writers that husbands repudiated their wives, and wives forsook their husbands, for the most trifling reasons. Either party could effect a divorce almost at pleasure. Says Bekker, in his "Gallus" (p. 174), "In the

last period of the republic, divorce prevailed to a frightful extent; marriage was thoughtlessly entered upon and dissolved at pleasure. Sylla, Cæsar, Pompey, Cicero, and Anthony put away their wives, and Augustus and his successor followed their example. At that time this also occurred on the women's part, without any fault being committed by their husbands." "Marriage," remarks De Pressense, "was the first institution undermined by the influx of corruption that marked the close of the republic, and which exceeded all bounds under the empire. Constantly dissolved by divorce, the marriage tie no longer imposed any obligation; it was virtually annihilated by the right of severing the tie at the first caprice." "Why," asks Seneca,<sup>1</sup> "should a woman regard divorce as discreditable, when women of the first rank and character compute their years, not by the number of consuls, but by the number of their husbands — when they marry only to be di-

vanced, and seek divorce to be married again?"<sup>1</sup> Such divorces, "for every cause," were not however valid in the sight of God, but the parties were still husband and wife as before. If then the husband took a second wife he had, in a very intelligible sense, more than one wife; and if the wife took another husband, she had, in the same sense, more than one husband. The apostle refers, we believe, to such instances. There were men and women in the churches who had sinned in this way, and on that account were deemed ineligible to a sacred office. But our sources of information are too scanty to enable us to specify the grounds on which they were allowed to be members of a Christian church at all. It will, therefore, be enough to suggest a few possible cases.

Their offence may have been committed

<sup>1</sup> See also *Martial*, vii. 7, and x. 41.

"Aut minus, aut certe non plus tricesima lux est,  
Et nubit decimo jam Thelesina viro.  
Quæ nubit toties, non nubit: adultera lege est.  
Offendor mœcha simpliciore minus."



before conversion, and, on embracing Christianity, they may have put away their second partners, and received again their first and true wives. Such a course, however necessary and scriptural, would involve a wrong done to their second wives, and would be likely to injure their good name among the heathen. Hence, it would be a disqualification for the ministry. Or, their offence may have become irreparable when they embraced Christianity, through the death or second marriage of their wives, and the only thing which could be required of them may have been evidence of sorrow for their sin. This, however, might not heal the wound inflicted upon other families by their great offence, nor give sufficient assurance of steadiness of character in their domestic relations.

Again, their sin may have been committed after uniting with a Christian church; they may have been excluded for it, as was the incestuous man at Corinth; and afterwards, in view of repentance and all possible reparation, may

have been permitted to resume their place in the church. Here several cases are supposable; *e. g.* their consorts, still adhering to paganism, may have deserted them and remained for a time unmarried, while they themselves, against the law of Christ, contracted a second marriage, and were subjected to discipline therefor. If, now, the heathen parties also married a second time, so that a valid ground for divorce was given and the evil placed beyond their control, they were perhaps restored at length to their place in the church. But their sin could never be utterly forgotten. Or, their consorts, though believers, may have deserted them,<sup>1</sup> and they may have thereupon contracted marriage anew, against the law of Christ as laid down by the apostle; but in this case it is conceivable that they had been so much sinned against, and had given such proofs of repentance, as to have been properly restored to fellowship.

These cases are all possible ones, and indeed not unlikely to occur as society then was; and

<sup>1</sup> 1 Cor. 7: 11.

they serve to explain how there could be persons in the churches who had more than one wife, in the sense of having married a second time before they had secured a divorce for valid cause from their first partners. To us, they seem to account for the language of Paul; for none of these members would be suitable, however well qualified in other respects, to hold office in the church. A stain would rest on their characters, while a bishop must be blameless. Hence, our conclusion from the other passages is not modified by these; these rather presuppose the law explained and applied in them. It may be well to add, that the conclusion to which we have been led, by a review of the New Testament passages, is supported by the judgment of the Greek church, while the view that marriage is indissoluble for any cause is asserted, in theory, by the Roman Catholic church. From the first, Protestants have been divided in opinion, a majority of them, it is believed, admitting two grounds of divorce. During the last thirty years the question has

been frequently discussed in Germany, and elaborate works have been published on either side. But it may perhaps be inferred from a remark of Dr. Harless, in his able treatise on the "Question of Divorce," that evangelical scholars are generally inclined to admit but one cause for divorce. He says that he "has been named as one of *the few* in Germany who still believe that there are *two* scriptural 'grounds for divorce,' appealing in support of this view to Matthew 19, Acts 5, and 1 Cor. 7."

## V.

### RESULT OF THIS INVESTIGATION.

OUR judgment may be summed up in the following propositions :

1. According to the word of God, there is but *one proper ground for divorce, namely, fornication*, meaning, by this term, adultery after marriage, and probably fornication before marriage, together with certain monstrous crimes of a similar nature. If, however, the sin before wedlock was known to the other party at the time of marriage, it can be no ground for separation. The sin of fornication thus explained authorizes, but does not require, the innocent party to seek a dissolution of the marriage contract. A faithful husband or wife is at liberty to pardon an unfaithful companion ; and if there is proof of repentance this ought, doubtless, to be done.

2. Christian churches ought to recognize in

their discipline no other cause of divorce as valid. In this matter they cannot be guided by the civil law, but must cheerfully obey and sustain the divine law. And, to do this, it is necessary for them to treat those who have been divorced for any other causes as ineligible to marriage.

3. According to the word of God, separation from bed and board may properly be granted to the innocent party, when the other is guilty of wilful desertion, or perhaps of other crimes equivalent thereto. The parties however are still held by the nuptial tie, and cannot, so long as both live, be married to others without committing adultery.

4. Civil governments sometimes find it impracticable to make their laws, touching divorce, agree precisely with the divine law. The wickedness of the people may forbid this. Yet the more nearly those laws can be brought to the evangelical standard, and properly executed, the more useful will they be to the

people. And it is difficult to over-estimate the educational power of civil laws, and the importance of bringing them into perfect accord with the principles of true morality. Says Dr. Hickok: "It may sometimes be, that the state of public morals will not bear such civil laws as would be demanded by the highest piety, and thus in divorce, as in the case of intemperance or slavery, the state may be forced to endure the sin, which from the strength of depravity it cannot repress. This will not justify the political evil, but only throws the burden of responsibility from the legislator on the hard-heartedness of the community. The inability to make and sustain the right law may sometimes be the very occasion for perpetuating the political immorality, and the state be in that desperate condition where the sickness of the moral constitution will not bear the remedies which are necessary for its recovery. There can, then, be no other alternative but ultimate dissolution. In all cases where the political regulation admits practices at war with

God's regulations for piety, the duty of every good man is, never to avail himself of the political license, but live up to the higher law, and thus put as much virtue into the political constitution as possible."



## VI.

### APPLICATION OF THE RESULT.

THE result of our investigation may be readily applied to many instances of deviation from the divine rule; a few of which we proceed to mention.

Divorce presupposes marriage; and the language of Christ and of Paul assumes the conjugal union of the parties referred to by them. As a rule, therefore, heathen marriages are valid, for they are treated as such by the apostle. Hence, the bond of matrimony does not owe its existence to any one legal form or religious ceremony. It exists wherever the parties are united as husband and wife, according to the usages of the people with whom they dwell. It is however null, *ab initio*, when either of the parties is incapable of matrimony; hence, when either of them has a husband or wife already. In cases of polygamy,

the first union only is marriage by the higher law, the divine standard of morals ; for it renders the husband incompetent to enter into wedlock with another person. His duty to the first wife is exclusive ; the two are one flesh, the husband belonging to the wife and the wife to the husband, in such a sense that conjugal unity with a second woman is impossible. And we need not go beyond the limits of our own country to find the sin in question, nor beyond the natural sense of woman to learn who is the only true wife of a polygamist. Speaking of Mormon polygamy, Mr. Bowles remarks, that "the first wife is generally the recognized one of society, and frequently assumes contempt for the others, regarding them as concubines, and not wives. But it is a dreadful state of society to any one of fine feelings and true instincts ; it robs married life of all its sweet sentiment and companionship ; and, while it degrades woman, it brutalizes man, teaching him to despise and domineer

over his wives—over all women.”<sup>1</sup> There are, doubtless, other things which render a person incapable of matrimony, *e. g.* idiocy; but it is unnecessary to treat of them in this connection.<sup>2</sup>

Again, the laws of Massachusetts provide that “a divorce from bed and board may be decreed for extreme cruelty, utter desertion, gross and confirmed habits of intoxication contracted after marriage, or cruel and abusive treatment by either of the parties; and on the libel of the wife, when the husband, being of sufficient ability, grossly or wantonly and cruelly refuses and neglects to provide suitable maintenance for her.” This provision is in harmony with the divine law. It makes no attempt to sunder the nuptial tie; the parties are at liberty to resume the discharge of their conjugal duties at any time; and reformation, with reconcilia-

<sup>1</sup> *Across the Continent*, p. 115.

<sup>2</sup> See the laws of Massachusetts and of other States, also Chitty's *Blackstone*, p. 346 *sq.*, and especially *Goschen in Hertzog's Real-Encyklopädie für protest. Theologie u. Kirche*, III. Bd. Art. EHE.

tion, will often ensue. But we are unable to say the same of a further enactment, that, "when the parties have lived separately for five consecutive years next after the decree, a divorce from the bonds of matrimony may be decreed." Such a law does not represent the divine standard of morality, and it cannot be made the rule of discipline for Christian churches.

But is not the divine law oppressive, if it forbids a wife to improve her condition by remarriage, when she has been utterly deserted by her husband? It may possibly seem to be so in rare instances, but a laxer rule might involve, in the end, far greater evil to woman. It is the duty of Christians to ascertain and obey the divine law, feeling assured that it will vindicate itself. Indeed, we are certain that the purity and blessedness of conjugal life will not be promoted by facilitating divorce. "Let it be understood that the parties in the marriage covenant take each other literally for better or worse, till death, or a crime and disgrace worse than death, shall part them ;

and they will be more careful to know each other and to love each other well before entering into the relation, than they will be if they have reason to presume that a too hasty marriage can be remedied by a divorce which implies no infamy."

The same view must be taken of drunkenness. Wives are often subjected to harsh treatment by intemperate husbands. Poverty, shame, want, and abuse flow from the wine-cup into the bosom of the family; and the civil power should sometimes interpose to protect the wronged, and punish the guilty. But the proper remedy for such evils is not divorce; for this would prove in the end a greater calamity to domestic life, and especially to the female sex, than the suffering which it seeks to relieve.

But how shall the result of our investigation be applied to Christians who have *unwittingly* violated the scriptural law of divorce? Some have done this, taking it for granted, perhaps, that the civil law is in agreement with the divine law. Others have done it, believing

that Paul authorizes divorce for a second cause, namely, wilful desertion. And both classes have sinned ignorantly. In reply, it may be said, that a church which accepts the result of our investigation as correct, cannot sanction a union which sets aside the scriptural law of divorce, as marriage; nor can it wisely retain in its fellowship one who enters into such a union. Though the offender may be deemed upright and sincere, the law of Christ, the interests of pure morality, and the best good of man, require his offence to be plainly condemned, and the church to be cleansed from the stain of it. So long as he has a former consort living, from whom a divorce has not been obtained for the cause specified as the only one by Christ, his new relation is morally illicit, and must be treated accordingly. But when he has no longer such a partner living, there is no bar to the second marriage; and, should he manifest a right spirit, restoration to the church is possible.

On the other hand, a church which is in

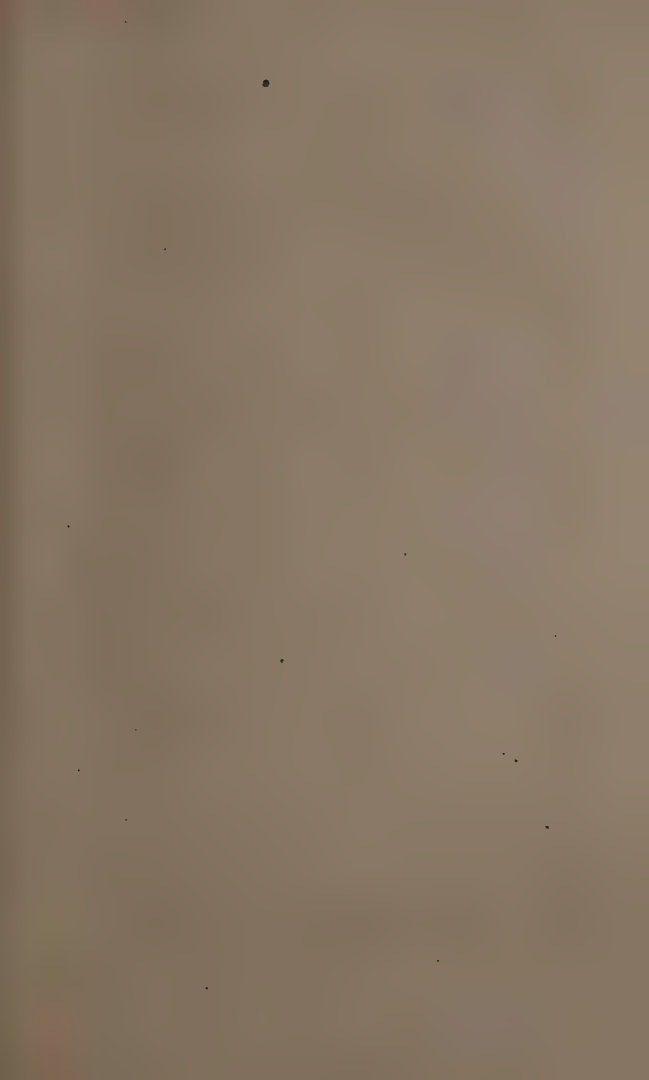
doubt respecting the scriptural law of divorce, ought perhaps to allow an offender the benefit of that doubt. Yet, if he was seasonably admonished not to form the questionable union, was assured that some of his brethren looked upon it as forbidden by the words of Christ, and was aware that it would bring sorrow and division into the church, there might still be reason for discipline. But it is deeply to be regretted that any Christian church is still in doubt concerning the import of our Saviour's language, and it can hardly be questioned that the time has come when a serious effort should be made to ascertain its meaning and dispel every doubt. Let the truth be plainly taught, and the friends of Christ will not be slow to receive it. Scandal will be prevented. Those who reverence the Master will not commit themselves to a course which his words pronounce criminal. They will not venture on a life of doubtful morality.

Then may we hope that marriage will at length be treated as sacred, even by those who

do not bow to the authority of Christ. Then may we hope that the closest earthly fellowship, ordained from the beginning for man by his Maker, and recognized as a symbol of the Saviour's union with his people, will be consecrated afresh in the eyes of men, and prove a source of immeasurable good to the race. Then may we hope that mutual love, founded on esteem, will more uniformly precede this lifelong fellowship, and, becoming deeper and purer with every passing year, distil its precious influence upon the spirit of childhood and youth, making the family home the sweetest spot on earth—A SCHOOL OF VIRTUE AND A TYPE OF HEAVEN.

THE END.





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